



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

FEB 08 2013

CERTIFIED MAIL 7009 1680 0002 0140 6448
RETURN RECEIPT REQUESTED

Scott Holland
President and CEO
Sky King, Inc.
3200 Flightline Drive, Suite 301
Lakeland, Florida 33811

Re: ADMINISTRATIVE ORDER
Docket No. SDWA-04-2013-0756
B-737-4Y0
Registration No. N870AG
Serial No. 23870
Nose No. 870

Dear Mr. Holland:

The U.S. Environmental Protection Agency (EPA) has determined that Sky King, Inc. (Sky King) has violated the Safe Drinking Water Act (SDWA or Act), 42 U.S.C. §§ 300f – 300j - 26, and the National Primary Drinking Water Regulations (NPDWRs) found at 40 C.F.R. Part 141. Specifically, Sky King has failed to comply with the monitoring/reporting requirements of the Aircraft Drinking Water Rule (ADWR), 40 C.F.R. §§ 141.800 – 141.810 for the following aircraft that it owns/operates. Enclosed you will find an Administrative Order, issued pursuant to Section 1414(g) of the SDWA, 42 U.S.C. § 300g-3(g), which sets forth the violations by Sky King and the requirements for Sky King to return to compliance with the SDWA and ADWR.

Registration #	Serial #	Nose #	Aircraft M/M/S
N870AG	23870	870	B-737-4Y0

This Administrative Order will become effective immediately upon receipt and shall remain effective until Sky King has demonstrated compliance with the requirements contained therein and EPA has issued a letter terminating the Order.

The Administrative Order does not constitute a waiver, suspension, or modification of the requirements of the SDWA and the NPDWRs, which remain in full force and effect. Issuance of the Administrative Order is not an election by EPA to forego any other enforcement action otherwise authorized under the SDWA. Any person who violates an Administrative Order shall be liable to the United States for a penalty of not more than \$37,500 per day of violation, pursuant to Section 1414(g) of the SDWA as amended, 42 U.S.C. § 300g-3(g).

EPA urges your prompt attention to this matter. If you have any questions, please contact Ms. Stephanie Sessoms-Midgett, at (404) 562-9791. If your attorney has questions, he or she should contact Ms. Wilda Cobb, Associate Regional Counsel, at (404) 562-9530.

Sincerely,

A handwritten signature in black ink that reads "Gaie Mitchell, for". The signature is written in a cursive, flowing style.

James D. Giattina
Director
Water Protection Division

Enclosure - Administrative Order

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4

IN THE MATTER OF:

Sky King, Inc.
Lakeland, Florida 33811

B-737-4Y0
Registration No. N870AG
Serial No. 23870
Nose No. 870

Docket No. SDWA-04-2013-0756

ADMINISTRATIVE ORDER

Proceedings under Section 1414(g) of the
Safe Drinking Water Act, 42 U.S.C. § 300g-(3)

I. STATUTORY AND REGULATORY AUTHORITY

This Administrative Order (Order) is issued under the authority vested in the Administrator of the U.S. Environmental Protection Agency (EPA or the Agency) by Section 1414(g) of the Safe Drinking Water Act (SDWA or Act), 42 U.S.C. § 300g-3(g). The Administrator of EPA has delegated the authority to take these actions to the Regional Administrator, who has delegated such authority to the Director, Water Protection Division.

On October 19, 2009, EPA promulgated the Aircraft Drinking Water Rule (ADWR), 40 C.F.R. §§ 141.800 – 141.810 to ensure that safe and reliable drinking water is provided to aircraft passengers and crew. EPA has primary enforcement authority for ADWR.

II. FINDINGS

1. Sky King, Inc. (Sky King) is a corporation located in Lakeland, Florida and therefore is a “person” within the meaning of SDWA Section 1401, 42 U.S.C. § 300f, and 40 C.F.R. §141.2.
2. Information contained in the Federal Aviation Administration’s database indicates Sky King owns and/or operates three Boeing B-737 aircraft to engage in air transportation.
3. On December 5, 2012, Sky King sent information to EPA confirming that they presently own and/or operate three Boeing B-737 aircraft.
4. Sky King boards “finished water” onto its aircraft(s) and provides “finished water” to the public for “human consumption” within the meaning of ADWR, 40 C.F.R. §141.801.
5. Sky King owns and/or operates a “public water system(s)” within the meaning of SDWA Section 1401, 42 U.S.C. § 300f.

6. Sky King owns and/or operates an “aircraft water system(s)” within the meaning of ADWR, 40 C.F.R. § 141.801.
7. The B-737-4YO aircraft owned and/or operated by Sky King is a “transient non-community water system” within the meaning of 40 C.F.R. § 141.2.
8. Sky King’s B-737-4YO “aircraft water system” regularly serves an average of at least 25 individuals daily at least 60 days out of the year.
9. In accordance with the provisions of 40 C.F.R. § 141.800(b), aircraft public water systems must comply with the requirements of the ADWR beginning October 19, 2011.
10. Based on information available, EPA finds Sky King has failed to begin to implement a coliform sampling plan and an operations and maintenance plan for routine disinfection and flushing of Sky King’s B-737-4YO aircraft water system(s) by October 19, 2011 as required by ADWR.
11. In accordance with the provisions of 40 C.F.R. § 141.802 each air carrier must develop a coliform sampling plan covering each aircraft public water system owned or operated by the air carrier.
12. In accordance with the provisions of 40 C.F.R. § 141.803 air carriers must conduct analyses for total coliform and E. coli in accordance with the analytical methods approved in 40 C.F.R. §§ 141.21(f)(3) and 141.21(f)(6).
13. In accordance with the provisions of 40 C.F.R. § 141.804 each air carrier must develop and implement an aircraft water system operations and maintenance plan for each aircraft water system that it owns or operates.
14. In accordance with the provisions of 40 C.F.R. § 141.806 each air carrier must comply with the reporting of the development of the coliform sampling plan, the operations and maintenance plan and the disinfection and flushing and coliform frequencies by April 19, 2011.
15. Based on information available, EPA finds Sky King has failed to develop required plans and report the following information to the Agency for its B-737-4YO aircraft water system by April 19, 2011 as required by ADWR:
 - 1) A complete inventory of aircraft that are public water systems;
 - 2) The date the aircraft water system operations and maintenance plan was developed;
 - 3) The date the aircraft water system coliform sampling plan was developed; and
 - 4) The frequency for routine disinfection and flushing, and the corresponding routine total coliform sampling frequency.Therefore, Sky King is in violation of 40 C.F.R. §§ 141.802, 141.803, 141.804 and 141.806.
16. In accordance with the provisions of 40 C.F.R. § 141.805, air carriers failing to perform routine disinfection and flushing or routine sampling as required by ADWR must give notification for each aircraft to passengers and crew served by the aircraft water system.

17. Based on information available, EPA finds Sky King has failed to give notification for each aircraft to passengers and crew served by the aircraft water system. Therefore, Sky King is in violation of 40 C.F.R. § 141.805.

III. ORDER

Based on the foregoing findings and pursuant to the authority of Section 1414(g) of the Act, 42 U.S.C. § 300g-3(g), IT IS HEREBY ORDERED:

18. No later than February 28, 2013, Sky King shall contact the EPA Region 4's Aircraft Reporting and Compliance System (ARCS) Coordinator, Pamela Riley at (404) 562-9419 or via email at riley.pamela@epa.gov to complete registration for B-737-4YO into ARCS (the EPA developed ARCS, a centralized, web-based system, to facilitate reporting).
19. No later than March 15, 2013, Sky King shall report to EPA via ARCS the following information for its B-737-4YO aircraft water system in accordance with 40 C.F.R. §§ 141.802, 141.803, 141.804 and 141.806 and send confirmation to EPA Region 4:
- 1) Complete inventory information (registration number, serial number, nose number) for aircraft water system B-737-4YO;
 - 2) The date the aircraft water system operations and maintenance plan was developed;
 - 3) The date the aircraft water system coliform sampling plan was developed; and
 - 4) The frequency for routine disinfection and flushing, and the corresponding routine total coliform sampling frequency.
20. No later than April 15, 2013, Sky King shall begin to implement the coliform sampling and operations and maintenance plans by conducting routine coliform sampling and routine disinfection and flushing of its aircraft water system(s), and report the results to EPA via ARCS in accordance with 40 C.F.R. §§ 141.800(b) and 141.806.

All information required to be confirmed to EPA shall be submitted to:

Mr. Dan O'Lone, Chief
Drinking Water Section
Safe Drinking Water Branch
U.S. EPA, Region 4
Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, Georgia 30303-8960

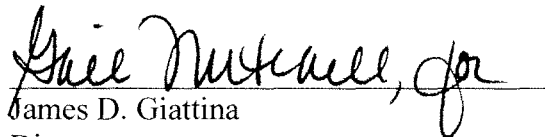
21. This Administrative Order shall remain in effect until Sky King has demonstrated compliance and the EPA issues a letter to Sky King terminating the Administrative Order.

IV. GENERAL PROVISIONS

22. This Administrative Order does not constitute a waiver, suspension, or modification of the requirements of SDWA or the National Primary Drinking Water Regulations promulgated under the Act, which remain in full force and effect. Issuance of this Administrative Order is not an election by the EPA to forego any other enforcement action otherwise authorized under SDWA.

23. This Administrative Order does not relieve Sky King of any responsibilities or liabilities established pursuant to any applicable federal or state law or regulation.
24. Any person who violates, or fails or refuses to comply with, an Administrative Order issued under SDWA Section 1414(g) of the Act, 42 U.S.C. § 300g-3(g), shall be liable for a civil penalty of not more than \$37,500 per day of violation.
25. This Administrative Order shall become effective immediately upon Sky King's receipt.

ORDERED, this 8th day of February, 2013



James D. Giattina

Director

Water Protection Division

U.S. Environmental Protection Agency

Region 4

61 Forsyth Street, SW

Atlanta, Georgia 30303-8960